

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL L. KORNBLITH

Appeal No. 2002-1607
Application 09/040,161

ORDER REMANDING TO EXAMINER

A Supplemental Information Disclosure Statement (IDS) was filed February 3, 2003 (Paper No. 17) and has been matched with this application at the Board of Patent Appeals and Interferences. The Supplemental IDS needs to be considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's decision is required.

MAILED

MAR - 6 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

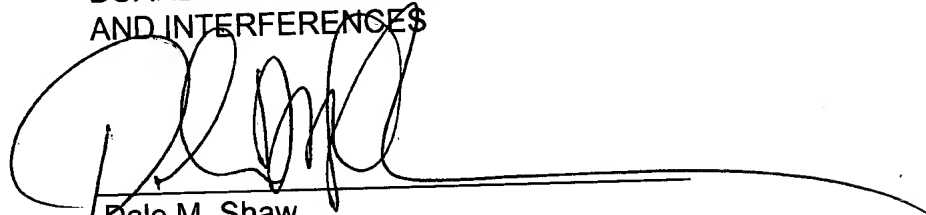
Appeal No. 2001-1607
Application 09/040,161

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the Supplemental Information Disclosure Statement, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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SERIAL NUMBER 09040161	U.S. DEPARTMENT OF COMMERCE PATENT OFFICE	DATE OF MEMORANDUM 3/6/03
APPLICATION FILING DATE 3/7/98		APPEAL NUMBER 2002-1607
FORM PO-262 (9-89)		
EXAMINER'S DISPOSITION OF APPEAL		
To: Clerk, Board of Appeals	From: Group Art Unit _____	
GROUP: Please detach and forward to Board of Appeals promptly, but ONLY if the appeal is suspended or no longer pending.		
<p>The Examiner has:</p> <ul style="list-style-type: none"><input type="checkbox"/> 1. Withdrawn the final rejection and<ul style="list-style-type: none"><input type="checkbox"/> a. allowed all the claims<input type="checkbox"/> b. made a new rejection and reopened the prosecution<input type="checkbox"/> c. other<input type="checkbox"/> 2. Maintained the final rejection, but has<ul style="list-style-type: none"><input type="checkbox"/> a. instituted an interference which cannot proceed concurrently with the appeal (Note M.P.E.P. 1205)<input type="checkbox"/> b. other<input type="checkbox"/> 3. The application is now abandoned.		
_____ (Date signed)		_____ (Signed)